

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES A. BATTLE, JR.,

Plaintiff,

V.

DAVID HAYNES, *et al.*

Defendants.

Case No. C09-818-RAJ

**ORDER GRANTING DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

The Court, having reviewed plaintiff's amended complaint, defendant David Haynes' motion for partial summary judgment, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, the plaintiff's untimely objection and the defendant's response thereto, and the remaining record, does hereby find and Order:

(1) The Court adopts the Report and Recommendation.

(2) Defendant David Haynes' motion for partial summary judgment (Dkt. No. 82) is

GRANTED.

(3) Plaintiff's amended complaint (Dkt. No. 15) and this action are DISMISSED with prejudice as to defendant Haynes.

ORDER GRANTING DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - 1

1 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
2 defendants, and to Judge Tsuchida.

3 DATED this 5th day of October, 2010.
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9 The Honorable Richard A. Jones
10 United States District Judge
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26 ORDER GRANTING DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT - 2